IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

REVIEW PETITION NO. 31 OF 2005

IN

SECOND APPEAL NO. 709 OF 2005

Sanjay Baburao Dhende .... Petitioner

versus

Smt. Shevantibai Alhat & ors. ... Respondents.

Shri R.V.Govilkar for the petitioner.
Shri Jitendra Sachday for Respondents.

CORAM; P.V. KAKADE, J.

DATED; FEBRUARY 24, 2006.

P.C:

1. Heard the learned counsel for the Petitioner and the learned advocate for the respondent.

2. This review petition is moved by the appellant in second appeal No.709 of 2005 which came to be disposed of by order of dismissal dated 19-9-2005 at the stage of admission for reasons recorded in detail in the said order.

3. After hearing both the parties and taking into account the submissions advanced on behalf of the petitioner, it is apparent that the review is seeking

only on the ground that first appellate court did not take into account the documents, which were produced at the appellate stage under Order 41 Rule 27 of the C.P.C. though the lower appellate court had admitted the doucments on record but the judgment did not reflect that fact and the matter was adjudicated without consideration of the said documents.

4. However, perusal of the entire record as also the order of dismissal passed by this court dated 19-9-2005, it is apparent that the second appeal came to be dismissed for want of substantial question of law. Moreover it is not apparent from the record that the lower appellate court did not take into account the said documents. The order of the lower appellate court presumably after considering the documentary evidence which was produced at the stage of appeal and therefore, the the very non mentioning of the said document would not allow this court to jump to the conclusion that the said evidence was ignored by the lower appellate court. Be as it may, the fact remains that there is no substance for the review and hence review petition stands disnmissed with no order as to costs.

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